



# TEXAS STATE SOIL AND WATER CONSERVATION BOARD

## Monthly Program News and Activities

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The TSSWCB produces this monthly update of the agency's activities as an informational service to local soil and water conservation district directors. I hope you find this information helpful, and if you have any questions please don't hesitate to call your local field representative or our state headquarters.

**REX ISOM, Executive Director**

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### STATE BOARD WORK SESSIONS AND MEETINGS

The State Board has scheduled a Work Session on **Wednesday, May 25, 2011** a formal State Board Meeting on **Thursday, May 26, 2011**. For more information on past and pending State Board Work Sessions and Meetings, please visit <http://www.tsswcb.state.tx.us/boardmeetings>, or contact Karen Preece at (254) 773-2250, ext. 245.

### LEGISLATIVE UPDATE

#### Appropriations

Both the House and Senate versions of the General Appropriations Act were introduced identically and included significant reductions to most agency program areas.

Funding levels are proposed to be reduced for the TSSWCB by \$18.7 million. The recommended reductions are:

- Flood Control Program – reduced to zero - (\$13.4 million)
- Conservation Implementation Assistance (\$0.7 Million)
- Water Supply Enhancement Program (\$4.3 million)
- Poultry WQMP Program (\$230,000)
- Indirect Administration (\$138,000)
- Employees (3.4)

The TSSWCB has testified before the House Appropriations (2/14-S/C & 2/25-Full Committee) and Senate Finance Committees (2/28), and in both cases requested that funding from the current fiscal year be made available during the next biennium to address engineering design and inspection services associated with ongoing flood control structural repair projects. The construction funds for these projects are secured into the next biennium through contracts with local SWCDs, however, the continuing engineering needs are not funded beyond August 31, 2011; state agencies may not contract for professional services such as engineering beyond the fiscal year for which the services are provided.

### **Sunset Legislation**

Legislation needed to continue the TSSWCB's existence beyond August 31, 2011 and implement the recommendations of the Sunset Advisory Commission has been filed in both the House and Senate (House Bill 1808 – Rep. Cook, Senate Bill 645 – Sen. Nichols).

Senate Bill 645 has been referred to the Senate Government Organization Committee. House Bill 1808 was referred to the House Committee on Agriculture and Livestock. House Bill 1808 was voted out of Committee on Tuesday, March 29, 2011, to be sent to general calendars for the consideration of the full House.

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## **BUDGET AND ACCOUNTING**

- The deadline for submitting approved Audits was February 1, 2011. Districts that do not have an approved Audit are on Hold status and need to be cleared as soon as possible.
- February 28, 2011 was the deadline to file W2 and 1099 forms with IRS.

For more accounting and budgeting information contact Kenny Zajicek at (254)-773-2250 or [zajicek@tsswcb.state.tx.us](mailto:zajicek@tsswcb.state.tx.us).

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## **HUMAN RESOURCES**

TSSWCB is currently not recruiting for any positions.

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## **SPECIAL PROJECTS**

### **Program Overview**

Special Projects is a department within the TSSWCB that provides coordination for the Annual State Meeting of Soil and Water Conservation District Directors, facilitates open government functions required by the Texas Administrative Procedures Act, and directs the completion of other mandatory agency responsibilities such as compiling the agency's Semi-Annual Report and rule making.

### **Annual State Meeting of Texas Soil and Water Conservation District Directors**

The 71<sup>st</sup> Annual State Meeting is scheduled for October 24 – 26, 2011, in San Antonio at the Hyatt Regency Hill Country Hotel and Resort. For reservations call (210) 647-1234 or 800-233-1234.

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## PUBLIC INFORMATION AND EDUCATION

### Program Development Workshop

The 2011 Summer Program Development Workshop for SWCD directors and employees is scheduled for June 28-29 in Temple. Reminders will be sent to all SWCDs, and an invitation to newly elected or appointed directors will be mailed during the first week in May.

### Teacher's Workshop at Franklin Ranch

A Teacher's Workshop on Conservation of Natural Resources will be held at the Franklin Family Ranch in Blanco. The workshop, sponsored by the Pedernales SWCD, will be held on June 7-9, 2011. Teachers can earn 16 hours of professional continuing education units.

The workshop is an opportunity for teachers in your district to receive valuable training and resources they can take to their classrooms. Topics covered will be soils, the water cycle, plants in the Texas Hill Country, prescribed burning, wildlife habitat, energy conservation and more. The cost is \$200 and covers lodging, meals and materials. Scholarships may be available through your local SWCD to cover the cost.

Registration information and a promotional flyer giving detailed information can be found at [https://www.tsswcb.state.tx.us/infoed/summerworks\\_hop](https://www.tsswcb.state.tx.us/infoed/summerworks_hop) or by contacting Katy Murrah at 830-868-7237 ext. 3 or by e-mailing her at [pedernalesswcd@tx.nacdnet.org](mailto:pedernalesswcd@tx.nacdnet.org). Registration closes May 31 and this workshop will fill up quickly!

### Youth Range Workshop

The 57th consecutive annual youth range workshop will be conducted June 19-24, 2011 at Texas Tech University campus located in Junction.

The purpose of the workshop is to recognize outstanding youth, develop leadership skills, and provide advanced training to 4-H and FFA youth interested in practical range ecology, ranch and natural resource management. A goal of the

workshop is that youth participants will return to their local communities to serve as leaders to educate other youth and audiences about the value and management of rangeland resources.

The workshop curriculum is structured to provide knowledge and understanding in the following areas; land stewardship, range ecology, plant growth, plant-soil-water relations, primary and secondary plant succession, watershed management, livestock and wildlife needs, tools of range and natural resource management, prescribed burning, and the impact of management decisions on range resources.

A total of 40 youth will be accepted to the 2011 workshop.

### Wildlife Alliance for Youth (WAY)

#### Contests

Local wildlife contests have been held in preparation for the upcoming regional and state events.

Contests held to date:

Event	FFA Teams/Participants	4-H Teams/Participants
San Angelo Stock Show	25 teams 81 participants	
San Antonio Livestock Show & Rodeo	60 teams 95 participants	1 team 5 participants
Texas Farm & Ranch Wildlife Expo	11 teams 30 participants	2 teams 12 participants
Parker County	15 teams 59 participants	1 team 6 participants
Houston Livestock Show and Rodeo	45 teams 100 participants	18 teams 56 participants

The contests operate under the rules and guidelines of the Wildlife Alliance for Youth. The alliance consists of the TSSWCB, Association of Texas Soil and Water Conservation Districts, USDA Natural

Resources Conservation Service, Texas Parks and Wildlife Department, Texas Agri Life Extension 4-H, Welder Wildlife Foundation, Texas Education Agency-Agricultural Science and Technology, Instructional Materials Service, Texas A&M University; Texas FFA Association and Texas Wildlife Association.

## **Soil Stewardship Public Speaking Contests**

The 2011 FFA soil stewardship public speaking area contests have been scheduled. The dates for the contests are noted as follows:

Area	Date
Area I	To be announced
Area II	May 13
Area III	May 12
Area IV	May 14
Area V	May 14
Area VI	To be announced
Area VII	May 17
Area VIII	May 13
Area IX	To be announced
Area X	May 12

First and second place winners in the respective area contests will compete for top honors in the state contest which will be held in July at the state FFA convention in Lubbock.

First, second, and third place winners in the state level soil stewardship public speaking contests will receive scholarships. First place winner will receive a \$3,000 scholarship; second place winner will receive a \$2,000 scholarship and the third place winner will receive a \$1,000 scholarship.

The theme of this year's contest is "Forests for People – More than you can imagine!" The contest is a cooperative effort of Texas FFA, Texas State Soil and Water Conservation Board and the Association of Texas Soil and Water Conservation Districts. The theme of the contest is based on the National Association of Conservation Districts' annual soil stewardship program.

## **Area Association Events**

### **South Texas Association of SWCDs**

The South Texas Association of Soil and Water Conservation Districts held their semi-annual meeting March 16, at the Rob and Bessie Welder Park near Sinton.

"Following registration, directors representing 22 SWCDs toured the Papalote Creek Wind Farm located near Taft," said Romualdo Herrera, president of South Texas Association of SWCDs.

Owned and operated by E.ON Climate & Renewables, (EC&R) the wind farm is the company's first South Texas project. According to Spivey J. Paup, EC&R's Assistant Development Manger, "The Papalote Creek project provides enough clean wind power to supply about 54,000 homes while avoiding more than 324,000 tons of carbon dioxide emissions and saving a quarter of a billion gallons of fresh water annually compared with a conventional steam-driven fossil fuel plant."

"The wind farm consists of 109 turbines that provide 179.85 megawatts of power," Paup added. Paup gave a presentation about the wind farm to the conservation district directors touring the facility.

Following the tour, members of SWCD directors were updated with reports on state and national conservation issues from José Dodier, Chairman of the Texas State Soil and Water Conservation Board; B.P. Bono, director of the Association of Texas Soil and Water Conservation Districts; Assistant State Conservationist Tomas Dominguez, USDA Natural Resources Conservation Service; and John Lloyd-Reilly, manager of the Kika de la Garza Plant Materials Center near Kingsville.

### **TSSWCB Conservation Video Library About The Catalog**

There are over 200 conservation-related videos available; the 2011 catalog can be downloaded from the TSSWCB website at

[http://www.tsswcb.state.tx.us/files/docs/infoed/2011\\_Video\\_Library\\_Catalogue.pdf](http://www.tsswcb.state.tx.us/files/docs/infoed/2011_Video_Library_Catalogue.pdf).

## Ordering a Video

Select a video from the TSSWCB Conservation Video Catalog, then contact Meredith Whitley at [mwhitley@tsswcb.state.tx.us](mailto:mwhitley@tsswcb.state.tx.us) to check it out.

The Association of Texas Soil and Water Conservation Districts' Public Information/Education Committee will pay the first transit postage costs to mail the video(s) to the requester. Postage for returning the video(s) will be the responsibility of the borrower. All videos must be insured upon return.

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## WATER QUALITY MANAGEMENT PLAN PROGRAM

### Program Overview

The passage of Texas Senate Bill 503 (1993) directed the TSSWCB to implement water quality management plans (WQMPs) in Texas. A WQMP is a site-specific plan developed through and approved by SWCDs that reduces the amount of pollution that may enter surface waters from activities on agricultural or silvicultural lands. The agency has been implementing WQMPs on private lands since the mid 1990s and has completed over 14,000 plans in Texas. The TSSWCB identifies areas of the state where water quality is being negatively impacted by agricultural and silvicultural nonpoint source pollution, and allocates funding to those areas to serve as financial incentives to increase participation in the program.  
<http://www.tsswcb.state.tx.us/wqmp>.

A total of 657 WQMPs were certified by the TSSWCB in FY2010. The yearly goal was 620 plans.

Allocations of financial incentive funding for FY2011 were approved at the July, 2010 State Board meeting. The period for obligating FY2011 funds will be from September 1, 2010 to April 30, 2011.

The lapsed fund report for the FY2008 funding cycle was presented at the State Board meeting in September, 2010. Between the FY2003 and

FY2008 funding cycles, lapsed funds have been reduced by 73%.

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## POULTRY WATER QUALITY MANAGEMENT PLANS

### Overview

In 2001, the 77th Texas Legislature amended the Texas Water Code to require all persons who own or operate a poultry facility to implement and maintain a WQMP that is certified by the TSSWCB. In 2009, the 81st Texas Legislature amended the Texas Water Code to require TSSWCB to assess whether the siting and construction of all new poultry farms or existing farms that expand by more than 50% within ½ mile of permanently inhabited residences, businesses, or places of worship is likely to cause a persistent nuisance odor. An odor control plan may be required for those farms. The new law also requires all poultry producers and most receivers of poultry litter to keep records of poultry litter usage. On February 23 and March 4, 2011, Texas AgriLife Extension Poultry Science Department conducted odor training courses for poultry producers. Fifteen poultry producers completed the training. Other training events will be scheduled as needed.

### Program Activities

TSSWCB Poultry staff and Regional Office staff who work with poultry producers will attend training with NRCS at one of two trainings being held on March 29-30 and April 7-8, 2011 regarding all poultry issues to ensure all personnel have the same up-to-date information. TSSWCB continues to conduct inspections of poultry CAFO facilities to ensure they are meeting all the necessary requirements. In addition, staff continues to review and update existing WQMPs and develop plans for newly constructed farms.

For more information on Poultry WQMPs, please visit <http://www.tsswcb.state.tx.us/poultry> or contact the poultry office at (936) 462-7020 if you have questions about the poultry program.



# WATER CONSERVATION ADVISORY COUNCIL

## Background

Recognizing the importance of conservation in meeting our future demand, the 80th Regular Session of the Texas Legislature (2007) via the passage of Senate Bill 3 and House Bill 4, directed the Texas Water Development Board (TWDB) to appoint the members of the newly created Water Conservation Advisory Council (Council). The Council was created to provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, Legislature, Texas Water Development Board, Texas Commission on Environmental Quality (TCEQ), political subdivisions, and the public with the resource of a select council with expertise in water conservation. Senate Bill 3 was introduced and supported by Senator Kip Averitt and Representative Robert Puente.

According to the legislation, the Council is composed of 23 members appointed by the TWDB. At their August 27, 2007 Board meeting the TWDB appointed one member to represent each of the 23 entities or interest groups. The TSSWCB is one of the member agencies. Richard Egg is the agency representative, and Mel Davis is the alternate.

Duties of the Water Conservation Advisory Council include:

- Monitoring trends in water conservation implementation and new technologies for possible inclusion as best management practices;

- Monitoring the effectiveness of the statewide water conservation public awareness program; developing and implementing a state water management resource library;

- Developing and implementing a public recognition program for water conservation;

- Monitoring the implementation of water conservation strategies by water users included in regional water plans;

- Monitoring target and goal guidelines for water

conservation to be considered by the TWDB and TCEQ; and

Evaluate the desirability of requiring certification of water conservation training facilities entities and programs that provide assistance to retail public utilities in developing water conservation plans.

## Upcoming Activities

The council recently reorganized its workgroups and is developing plans for upcoming activities. The council comprises four workgroups to work on water conservation issues: agricultural, municipal, industrial, and public awareness.

The agricultural workgroup, over the next biennium, will be reviewing the state's agricultural water conservation BMPs that were developed by the Water Conservation Task Force (2003 – 2005). The workgroup will determine if each BMP is still appropriate as is, or if it needs updating or removal. The agricultural workgroup will also review current methods of reporting irrigation water use (e.g. gal/ac, gal/ton) to evaluate if current methods are appropriate, or if more efficient methods should be developed and used.

The workgroups do not make any decisions, but make recommendations to the full council for any required decisions. Noncouncil members are welcome and encouraged to participate as members of the various workgroups. If anyone is interested in becoming a workgroup member please call or e-mail Richard Egg (254.773.2250, [regg@tsswcb.state.tx.us](mailto:regg@tsswcb.state.tx.us)).

Information on the Water Conservation Advisory Council and its workgroups can be found at:

<http://www.savetexaswater.org/>

# TEXAS NONPOINT SOURCE MANAGEMENT PROGRAM

## Program Overview

The federal Clean Water Act (CWA) requires states to develop a program to protect the quality of water resources from the adverse effects of nonpoint source (NPS) water pollution. The *Texas NPS Management Program* is the State's official roadmap for addressing NPS pollution. The program publication is updated every five years. The most recent revision was submitted to the U.S. Environmental Protection Agency (EPA) by the Governor in December 2005. The *Texas NPS Management Program* is jointly administered by the TSSWCB and the Texas Commission on Environmental Quality (TCEQ).

The *Texas NPS Management Program* utilizes baseline water quality management programs and regulatory, voluntary, financial, and technical assistance approaches to achieve a balanced program. NPS pollution is managed through assessment, planning, implementation, and education. The TCEQ and TSSWCB have established goals and objectives for guiding and tracking the progress of NPS management in Texas. Success in achieving the goals and objectives are reported annually in the *Annual Report on Managing NPS Water Pollution in Texas*, which is submitted to EPA in accordance with the CWA.

Implementation of the *Texas NPS Management Program* involves partnerships among many organizations. With the extent and variety of NPS issues across Texas, cooperation across political boundaries is essential. Many local, regional, state, and federal agencies play an integral part in managing NPS pollution, especially at the watershed level. They provide information about local concerns and infrastructure and build support for the kind of pollution controls that are necessary to prevent and reduce NPS pollution. SWCDs are vital partners in working with landowners to implement best management practices (BMPs) that prevent and abate agricultural and silvicultural NPS water pollution. By establishing coordinated

frameworks to share information and resources, the State can more effectively focus its water quality protection efforts.

More information on the *Texas NPS Management Program*, including the *2010 Annual Report*, is available at <http://www.tsswcb.state.tx.us/managementprogram>.

The following is a compilation of relevant information pertaining to the multiple water quality programs and functions administered by and/or coordinated through the TSSWCB Statewide Resource Management (SRM) group that collectively represent the agency's efforts in supporting the goals and objectives of the *Texas NPS Management Program*.

## Watershed Approach

Protecting the State's rivers, streams, lakes, bays, and aquifers from the impacts of NPS pollution is a complex process. Texas uses a Watershed Approach to focus efforts on the highest priority water quality issues of both surface and ground water. The Watershed Approach is based on the following principles:

- Geographic focus based on hydrology rather than political boundaries;
- Water quality objectives based on scientific data;
- Coordinated priorities and integrated solutions; and,
- Diverse, well-integrated partnerships.

For groundwater management, the geographic focus is on aquifers rather than watersheds. Otherwise, the approach is the same. Wherever interactions between surface and ground water are identified, management activities will support the quality of both resources.

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of watershed protection plans (WPPs) and total maximum daily loads (TMDLs) in those watersheds where agricultural and/or silvicultural NPS pollution is

contributing to a water quality impairment or concern to an extent which TSSWCB believes is sufficient to justify expenditure of agency resources. A list of these watersheds, including links to on-going restoration projects within those watersheds, is available at

<http://www.tsswcb.state.tx.us/watersheds>.

Summaries of the TSSWCB's activities within specific watersheds are provided in the *Water Quality Planning and Implementation* section of this report.

### **Texas NPS Management Program – Revision Status**

TSSWCB SRM staff and TCEQ staff are in the process of updating the *Texas NPS Management Program* document. Staff from both agencies are currently reviewing the revised draft of the program publication. The revised program publication must be submitted to EPA to ensure continued CWA §319(h) funding.

After discussions among TCEQ, TSSWCB, and EPA staff about the timeline for updating the *Texas NPS Management Program* document by December 2010, it was decided that an extension would be necessary to incorporate new programmatic initiatives and ensure an adequate public review process. On August 16, 2010, EPA approved extending the applicability of the current *Texas NPS Management Program* document through July 2012.

### **FY2010 Nonpoint Source Annual Report**

On March 1, 2011, TSSWCB staff distributed the *2010 Annual Report on Managing Nonpoint Source Water Pollution in Texas* to all SWCDs; the report is jointly published by the TSSWCB and the TCEQ. In order to continue receiving CWA §319(h) funds, the State must annually report to EPA on success in achieving the goals and objectives of the *Texas NPS Management Program*. The report highlights the State's efforts during FY2010 to collect data, assess water quality, implement projects that reduce or prevent NPS pollution, and educate and involve the public to improve and maintain the quality of water resources. The *2010 Annual Report* is available at <http://www.tsswcb.state.tx.us/reports#nps>.

### **Nonpoint Source Grant Program**

The NPS Grant Program is administered by the TSSWCB for the purpose of providing funding as grants to cooperating entities for activities that address the goals and objectives stated in the *Texas NPS Management Program*. The Texas Legislature and the U.S. Congress (through the EPA) provide funding to the TSSWCB to administer the agricultural and silvicultural components of the *Texas NPS Management Program* through the TSSWCB NPS Grant Program.

Agricultural and silvicultural NPS pollution prevention and abatement activities that can be funded through the NPS Grant Program include: implementation of WPPs and the NPS portion of TMDL Implementation Plans (I-Plans), surface water quality monitoring, demonstration of innovative BMPs, technical assistance and financial incentives for the development and implementation of TSSWCB-certified WQMPs, public outreach and education, development of WPPs, and monitoring activities to determine the effectiveness of specific pollution prevention methods.

Summaries of the TSSWCB's activities within specific watersheds funded through this NPS Grant Program are available in the *Water Quality Planning and Implementation* section of this report.

### **Clean Water Act §319(h) Grant Funding**

#### **Background**

Congress enacted §319(h) of the CWA in 1987, establishing a national program to control NPS water pollution. Through §319(h), federal funds are provided annually through the EPA to States for the implementation of each State's NPS Management Program. The §319(h) funding in Texas is divided equally between the TCEQ and the TSSWCB. Over the past several years, the State's allocation has been approximately \$9 million.

#### **FY2004 – FY2010 CWA §319(h) Grant Status**

There are currently 52 on-going §319(h) grant-funded projects addressing a wide array of agricultural and silvicultural NPS issues. Unliquidated federal funds for these 52 on-going



projects total approximately \$15 million and are primarily being used to implement BMPs to abate NPS pollution from animal feeding operations, grazing livestock operations and row crop operations; provide technical assistance through SWCDs for the development of WQMPs; provide financial incentives for implementing certain BMPs prescribed in WQMPs; support various targeted educational programs; develop and implement WPPs and implement the NPS portion of TMDL I-Plans.

### **FY2011 Request for Proposals**

TSSWCB SRM staff identified priority areas and activities for this funding cycle based on the *Texas NPS Management Program* and the *2008 Texas Water Quality Inventory and 303(d) List*. The deadline for proposal submission was November 19, 2010. TSSWCB received 26 proposals requesting a total of \$10,877,077 in federal funds. TSSWCB SRM staff have notified the applicants that were denied funding based on the published ranking criteria and are currently working with applicants to revise workplans and budgets that were selected for funding. Projects receiving federal funding must be submitted to EPA in spring 2011 for review and approval.

## **State General Revenue Grant Funding**

### **Background**

The 80<sup>th</sup> Texas Legislature appropriated general revenue funds to the TSSWCB for the purpose of planning, implementing, and managing programs and practices for preventing and abating agricultural and silvicultural NPS water pollution in impaired watersheds; the 81<sup>st</sup> Texas Legislature renewed this appropriation.

TSSWCB is committed to funding projects encompassing monitoring, assessment, modeling, planning, education, and implementation that address the goals and objectives stated in the *Texas NPS Management Program*. The Board has approved operating budgets for FY2009, FY2010, and FY2011 that allocated a total of \$3.79 million in state general revenue to the NPS Grant Program. On September 17, 2009, the Board approved a

revised *TSSWCB Policy on TMDLs and Watershed Planning, Assessment, and Implementation Activities* which provides guidance to SRM staff on directing these state appropriations for the NPS Grant Program. This *Policy* is available at <http://www.tsswcb.state.tx.us/managementprogram#StateGR>.

### **FY2009 – FY2011 State General Revenue Grant Status**

There are currently 13 on-going general revenue-funded projects addressing an array of agricultural and silvicultural NPS issues. Unliquidated state funds for these 13 on-going projects total approximately \$2.3 million and are primarily being used to implement agricultural NPS components of TMDL I-Plans; conduct recreational use attainability analyses (RUAAAs); provide technical assistance for the development of WQMPs on agricultural lands; support increased analytical infrastructure at public bacterial source tracking (BST) laboratories; demonstrate innovative BMPs on animal feeding operations and grazinglands; and collect and analyze water quality data for watersheds with impaired waterbodies.

SRM staff are in the process of finalizing workplans and budgets with collaborating entities to obligate remaining FY2011 allocated funds.

## **Total Maximum Daily Load Program**

### **Background**

The CWA requires Texas to identify lakes, rivers, streams, and estuaries failing to meet or not expected to meet water quality standards and not supporting their designated uses (swimming, drinking, aquatic life, etc.). This list of impaired waterbodies is known as the *Texas 303(d) List* and must be submitted to the EPA for review and approval every two years.

The State must then establish a TMDL for certain waterbodies identified on the *Texas 303(d) List*. A TMDL defines the maximum amount of a pollutant that a waterbody can assimilate on a daily basis and still meet water quality standards. The pollution reduction goal set by the TMDL is necessary to

restore attainment of the designated use of the impaired waterbody. The maximum amount of a pollutant is determined by conducting a detailed water quality assessment that provides the information for a TMDL to allocate pollutant loads between point sources and nonpoint sources. It also takes into account a margin of safety, which reflects uncertainty and future growth.

Based on the environmental target of the TMDL an Implementation Plan (I-Plan) is then developed that prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of that pollutant in that waterbody. The I-Plan specifies limits for point source dischargers and recommends BMPs for nonpoint sources. It also lays out a schedule for implementation. Together, the TMDL and the I-Plan serve as the mechanism to reduce the pollutant, restore the full use of the waterbody, and remove it from the *303(d) List*. EPA must approve the TMDL, but the I-Plan only requires State approval.

With authority as the lead agency in Texas for planning, implementing, and managing programs and practices for preventing and abating agricultural and silvicultural NPS water pollution, TSSWCB shares responsibility with the TCEQ for the development and implementation of TMDLs. TSSWCB is committed to funding and collaborating with TCEQ on TMDL projects encompassing monitoring, assessment, modeling, planning, education, and implementation. More information on TMDLs is available at <http://www.tsswcb.state.tx.us/tmdl>.

The TSSWCB's efforts to restore water quality are channeled through TMDL development and implementation. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

## **Watershed Protection Plan Program**

### **Background**

Watershed Protection Plans (WPPs) are locally-driven mechanisms for voluntarily addressing

complex water quality problems that cross multiple jurisdictions. WPPs are coordinated frameworks for implementing prioritized and integrated water quality protection and restoration strategies driven by environmental objectives. Through the watershed planning process, TSSWCB encourages stakeholders to holistically address all of the sources and causes of impairments and threats to both surface and ground water resources within a watershed.

WPPs serve as tools to better leverage the resources of local governments, state and federal agencies, and non-governmental organizations. WPPs integrate activities and prioritize implementation projects based upon technical merit and benefits to the community, promote a unified approach to seeking funding for implementation, and create a coordinated public communication and education program. Developed and implemented through diverse, well integrated partnerships, a WPP assures the long-term health of the watershed with solutions that are socially acceptable and economically viable which achieve environmental goals for water resources. Adaptive management is used to modify the WPP based on an on-going science-based process involving monitoring and evaluating strategies and incorporating new knowledge into decision-making.

TSSWCB-sponsored WPPs are consistent with guidelines promulgated by the EPA in 2003. These guidelines describe nine elements fundamental to a potentially successful plan. TSSWCB provides technical and financial assistance to local stakeholder groups to develop and implement WPPs to address significant agricultural or silvicultural NPS issues. EPA requires certain expenditures through CWA §319(h) grants to be in accordance with a WPP. While WPPs sponsored by TCEQ have significant water quality issues related to urban NPS pollution or wastewater treatment, most, to varying degrees, have agricultural or silvicultural NPS pollution components. There are several other watershed planning projects across the state which are funded and sponsored by entities and agencies other than TSSWCB or TCEQ. These third-party WPPs may or may not adequately satisfy EPA's

nine elements. More information on WPPs is available at <http://www.tsswcb.state.tx.us/wpp>.

The TSSWCB's efforts to restore water quality are channeled through WPP development and implementation. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

## Coastal NPS Pollution Control Program

### Background

The Texas Coastal Management Program (CMP) was created to coordinate state, local and federal programs for the management of Texas coastal resources. The CMP improves the management of the State's coastal resources to ensure the long-term ecological and economic productivity of the coast. The CMP focuses on five primary issues of concern to coastal communities – coastal hazards; wetland protection; water quality and quantity; dune protection; and shoreline access. The program brings in federal Coastal Zone Management Act (CZMA) funds to Texas to implement projects and program activities for a wide variety of purposes. The Texas General Land Office (GLO) is responsible for coordinating activities associated with the CMP. The Coastal Coordination Council (CCC), established by the Texas Legislature, oversees the implementation of the CMP; the TSSWCB is a statutorily-authorized member of the CCC.

The CCC is charged with adopting uniform goals and policies to guide decision-making by all entities regulating or managing natural resource use within the Texas coastal area. The CCC reviews significant actions taken or authorized by state agencies and subdivisions of state government that may adversely affect coastal natural resources to determine consistency with CMP goals and policies. In addition, the CCC oversees the CMP Grants Program and the Small Business and Individual Permitting Assistance Program.

The federal Coastal Zone Act Reauthorization Amendments (CZARA) §6217 requires each State

with an approved CMP to develop a federally approvable program to control coastal NPS pollution. The National Oceanic and Atmospheric Administration (NOAA) and the EPA jointly administer §6217 at the federal level. In Texas, the TSSWCB and the TCEQ hold primary responsibility for the development and implementation of the *Texas Coastal NPS Pollution Control Program*.

More information on the CMP is available at <http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>.

### Conditional Approval Status of Coastal NPS Program

Texas submitted the *Texas Coastal NPS Pollution Control Program* to EPA and NOAA in December 1998. In July 2003, NOAA and EPA issued conditional approval of the *Texas Coastal NPS Pollution Control Program*. NOAA identified five areas the State must strengthen or correct; the agricultural and silvicultural portions of the program were approved without conditions. Texas had five years to meet the remaining conditions to gain full approval. States that fail to submit an adequate program (full approval) face penalties including loss of EPA and NOAA funds, including CWA §319(h) NPS grant monies.

In July 2008, the CCC again responded to the remaining conditional approval findings of NOAA and EPA. It was anticipated that this response would address the remaining conditions resulting in a fully-approved program. However, in May 2009, GLO received comments from NOAA and EPA which concluded that enough progress had been made to lift only one of the conditions.

On March 22, 2011, TSSWCB SRM staff [Richard Egg, TJ Helton] participated in a conference call with staff from TCEQ, GLO, and EPA. The group reviewed TCEQ's September 2010 draft letter that describes the State's approach to address the remaining conditional approval findings.

### Coastal Coordination Council (CCC)

The CCC was reviewed by the Sunset Advisory

Commission this biennium. More information regarding the Sunset Advisory Commission's decisions on the CCC, which will be considered by the 82<sup>nd</sup> Legislature, is available at <http://www.sunset.state.tx.us/>.

In March 2011, Sunset legislation was filed (SB 656 and HB 2250) that would abolish the CCC and transfer its functions to the GLO. The legislation would essentially convert the CCC from an independent body into an Advisory Committee to advise the Land Commissioner on matters related to the CMP. This Advisory Committee would include a representative of the TSSWCB designated by the Chairman of the State Board.

As required by Texas Natural Resources Code §33.204(f), the GLO, in conjunction with other CCC member agencies, must prepare an annual report on the effectiveness of the CMP. The *Texas CMP – 2010 Annual Report* includes highlights and key activities of the CMP for FY2010. The Report is available on GLO's CMP website.

CCC meeting information is available at <http://www.glo.texas.gov/GLO/boards-and-commissions/coastal-coordination-council/ccc-meetings.html>.

### **CMP Grant Program**

The CCC approved funding of Grant Cycle 16 projects at the February 7, 2011 meeting. The grant review team included TSSWCB SRM staff. Sixteen of the forty-four projects received were approved for funding.

Grant Cycle 17 application information has been distributed. As in the previous grant cycles, the CCC expects to award approximately \$1.8 million for planning, acquisition, construction, education, and research projects in Grant Cycle 17. The deadline for pre-proposals is June 22, 2011. Submission of the pre-proposal is optional. The full application is due October 12, 2011. Five grant workshops will be held on the coast to inform potential applicants about the changes made to the grant program and to discuss potential project application submissions. All potential applicants are

strongly encouraged to attend the workshops. The schedule for the Grant Cycle 17 workshops is:

- May 3, 2011, 10:30 a.m., Port Lavaca, City Hall
- May 5, 2011, 10:30 a.m., Port Arthur, City Hall
- May 11, 2011, 9:30 a.m., Port Isabel, Port Isabel Housing Authority
- May 17, 2011, 10 a.m., Corpus Christi, Texas A&M University-Corpus Christi
- May 25, 2011, 9:30 a.m., Galveston, Galveston County Courthouse

More information on the CMP grant program can be found at <http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>.

## **Texas Groundwater Protection Committee**

### **Background**

Established by the Texas Legislature in 1989, the Texas Groundwater Protection Committee (TGPC) bridges the gap between State groundwater programs, improves coordination between member agencies, and works to protect groundwater as a vital resource; the TSSWCB is a statutorily-authorized member of the TGPC.

The Texas Water Code sets non-degradation of the State's groundwater resources as the goal for all State programs and asserts that groundwater be kept reasonably free of contaminants that interfere with its present and potential uses. The TGPC implements the State's groundwater protection policy which:

- Requires that pollution discharges, waste disposal and other regulated activities not harm public health or impair current or potential groundwater use;
- Recognizes the variability between aquifers;
- Acknowledges the importance of water quality;

- Balances the protection of the environment and the long-term economic health of the state; and,
- Recognizes the use of the best professional judgment of the responsible state agencies to implement the policy.

The Texas Groundwater Protection Committee:

- Reports on its activities and recommends new protection programs to the Legislature.
- Publishes numerous reports.
- Advises the TCEQ on the development of agricultural chemical plans for groundwater.
- Develops, implements and updates a comprehensive *Texas Groundwater Protection Strategy* and an annual *Joint Groundwater Monitoring and Contamination Report*.

### Activities of the TGPC and Subcommittees

The Texas Water Code requires that the TGPC biennially prepare a report that provides recommendations to improve groundwater protection for legislative consideration and describes the TGPC's activities for the preceding biennium. The report, *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82<sup>nd</sup> Legislature*, was published in January 2011 by TCEQ. Twelve groundwater protection recommendations are presented in the report requesting legislative consideration in three topical areas: 1) strengthen groundwater conservation and water quality protection efforts, 2) advance groundwater management and protection through enhanced data collection and availability, and 3) support of groundwater research. Five of the twelve recommendations specifically are targeted to TSSWCB programs or grant-funded projects. The report is available on TGPC website.

On March 11, 2011, TSSWCB SRM staff [Donna Long] attended a TGPC NPS Task Force meeting in Austin. Six state agencies and organizations were represented. The latest draft of the *Texas NPS Management Program* was reviewed by the Task Force. The Task Force provided suggestions to clarify and enhance groundwater goals and objectives, for the State. Suggestions will be

incorporated into the draft *Texas NPS Management Program* by TCEQ and TSSWCB, and sent to the Task Force members for review prior to the next meeting.

More information on the TGPC is available at <http://www.tgpc.state.tx.us/>.

## Water Quality Coordination Activities

### Coordination with TCEQ

On September 27, 2006, at a joint meeting, the TSSWCB and the TCEQ approved a new *Memorandum of Agreement (MOA) on TMDLs, I-Plans, and WPPs*. This framework for collaboration between the two agencies describes the programmatic mechanisms employed to develop and implement TMDLs and WPPs. TSSWCB SRM staff continue to work with TCEQ staff to implement components of the MOA. The MOA is available at <http://www.tsswcb.state.tx.us/tmdl#moa>.

### New Watershed Action Planning Process

TCEQ staff have been working to develop a document that describes a new Watershed Action Planning approach to the State's water quality management programs.

The document will illustrate Watershed Action Planning and describe the approach including an overview of the state water quality planning programs, the role of stakeholders, and the options available to address water quality impairments. The Watershed Action Planning process recognizes a range of tools and options for addressing impaired waterbodies on the *303(d) List*. The Watershed Action Planning process provides for a stakeholder-led evaluation of watershed-specific circumstances and a deliberative and collective decision as to what tool to apply to move forward with addressing the listing.

TCEQ will maintain a database of information gathered during the Watershed Action Planning process, such as the waterbody, the impairment or priority interest, the date it was first listed on the *303(d) List*, the management strategy to address the

impairment (e.g., UAA, TMDL, WPP), the timeline for completing the management strategy, the responsible agency, and interim performance measures.

Watershed Action Planning will increase the transparency of the State's water quality management programs by presenting the list of impaired waters in such a manner as to communicate activities and intentions collectively to the public at large. Watershed Action Planning is key to providing for the collaboration being called for and the coordination necessary to achieve the goal of clean water for Texan.

Throughout February and March 2011, TCEQ staff provided information to TSSWCB SRM staff on the draft recommended Watershed Action Planning options for each impaired waterbody on the 303(d) List. Input will be solicited on these options from other state, regional, and federal agencies throughout March and April 2011 at Coordinated Monitoring meetings hosted by the Clean Rivers Program Partners across the state.

### **Surface Water Quality Standards Revision**

On June 30, 2010, the TCEQ adopted major revisions to 30 Texas Administrative Code Chapter 307, Texas Surface Water Quality Standards (Standards), and the *Procedures to Implement the Texas Surface Water Quality Standards, RG-194* (IPs). These major revisions to the Standards include the establishment of numeric nutrient criteria for large reservoirs and significant modifications to contact recreation use and associated bacteria criteria.

The adopted Standards were published in the *Texas Register* and become effective as a State rule on July 22, 2010. TCEQ submitted the revised Standards and IPs to EPA on August 4, 2010. EPA must now take action to approve these changes to the Standards in accordance with the federal CWA.

More information on the revisions to the Standards is available at [http://www.tceq.state.tx.us/permitting/water\\_quality/stakeholders/2010standards.html](http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/2010standards.html).

### **Recreational Use Attainability Analyses**

The recently adopted revisions to the Surface Water Quality Standards establish a four tier approach to recreation use including primary contact recreation, secondary contact recreation 1, secondary contact recreation 2, and noncontact recreation. In order to change the presumed level of recreation use of a waterbody (i.e., primary contact) to any of the other 3 tiers and the associated bacteria criterion, a recreational use attainability analysis (RUAA) must be completed for each waterbody and approved by TCEQ and subsequently EPA.

The purpose of an RUAA is to ascertain the actual recreation occurring on a waterbody, establish or verify a presumed use, and, if necessary, assign a more appropriate use. During an RUAA information is collected on water recreation activities, stream flow type, and stream depth; additionally, interviews from users who are present during surveys and those familiar with the waterbody are conducted and a review of historical information is completed. If the results of the RUAA indicate that a different, more appropriate use is warranted, the resulting change in the associated bacteria criterion may result in the waterbody no longer being identified on the 303(d) List as impaired, thus negating the need to adopt a TMDL.

The TCEQ is in the process of conducting RUAAs on over 110 waterbodies across the state; TSSWCB is taking the lead on conducting RUAAs on another 12 waterbodies. Prior to conducting the surveys, local stakeholders are being contacted to seek input on each project's monitoring plan. Specifically, citizens are being asked to provide input on potential sites near stream crossings to perform evaluations, and landowners are being asked to provide access to evaluate those stretches of the river that are not readily accessible to the public. TCEQ contractors were asked to coordinate communication with SWCDs through TSSWCB SRM staff. After the RUAAs are conducted, TCEQ will evaluate the information and again consult with stakeholders regarding potential site-specific



revisions to the Surface Water Quality Standards for each waterbody.

Because adopted changes to the Surface Water Quality Standards affecting recreation use tiers and bacteria criteria must be approved by EPA, any changes to specific waterbodies as a result of these RUAs will not likely be reflected until at least the *2014 303(d) List* is published in April 2014.

Summaries of RUA activities on waterbodies where TMDLs and/or WPPs are also on-going are available in the *Water Quality Planning and Implementation* section of this report.

More information on RUAs is available at [http://www.tceq.state.tx.us/permitting/water\\_quality/wq\\_assessment/standards/ruas/index](http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/standards/ruas/index). These RUAs affect livestock operations in scores of watersheds across the state.

On March 17, 2011, staff from Texas AgriLife Research attended the Jasper-Newton SWCD #441 meeting to discuss the status of RUAs on Caney Creek and Nichols Creek in Newton and Jasper Counties.

### **Texas Integrated Report for CWA §§305(b) and 303(d)**

The *Texas Integrated Report* (IR) summarizes the status of the State's surface waters, including concerns for public health, fitness for use by aquatic species and other wildlife, and specific pollutants and their possible sources, as required by CWA §305(b). The IR also identifies waterbodies not attaining water quality standards (i.e., impaired), as required by CWA §303(d).

The IR is a compilation of many documents including:

- 303(d) List of Impaired Waters
- Waterbody Assessments by Basin [23 river and coastal basins, plus Bays/Estuaries and Gulf Waters]
- Waterbodies with Concerns for Use Attainment and Screening Levels
- Sources of Pollution for Impairments and Concerns

- Waterbodies and Parameters Removed from the 303(d) List
- Schedule to Develop TMDLs in 2011 and Beyond

On August 25, 2010, the TCEQ approved the *2010 Texas Integrated Report* for submission to EPA. EPA must now take action to approve or disapprove the *2010 Texas 303(d) List of Impaired Waters*.

More information on the *Texas Integrated Report*, including the 305(b) Assessment and 303(d) List, is available at

[http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305\\_303.html](http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305_303.html).

### **Texas Clean Rivers Program**

The Texas Clean Rivers Program (CRP) is a state fee-funded program for water quality monitoring, assessment, and public outreach administered by the TCEQ. CRP is a collaboration of 15 partner agencies who conduct water quality monitoring and assessments in the 23 river and coastal basins, plus bays and estuaries, in Texas.

Each river or coastal basin is assigned to one of the designated CRP partner agencies. Each CRP partner agency has an established steering committee to set monitoring and assessment priorities within its basin. These committees bring together the diverse interests in each basin and are designed to allow local concerns to be addressed through regional solutions.

The Texas Water Code requires the TCEQ and CRP partner agencies to coordinate monitoring and assessment activities with local SWCDs through the TSSWCB.

The data generated by CRP partner agencies is used to identify significant long-term water quality trends and characterize water quality conditions. Each CRP partner agency develops and publishes an annual *Basin Highlights Report* and a five-year *Basin Summary Report*. The TCEQ also uses CRP-generated data in the biennial assessment conducted for the *Texas Integrated Report*.

More information on CRP is available at <http://www.tceq.state.tx.us/nav/eq/texcleanriver.html>.

On March 23, 2011, TSSWCB SRM staff [Aaron Wendt] attended a Coordinated Monitoring meeting hosted by the Lower Colorado River Authority and the Colorado River Municipal Water District in Big Spring. Discussion focused on coordinating surface water quality monitoring activities planned for FY2012 among various entities collecting data in order to avoid overlap and maximize resources in the Upper Colorado River Basin. More information is available at <http://www.lcra.org/water/quality/crp/index.html>.

On March 24, 2011, TSSWCB SRM staff [Loren Warrick, Aaron Wendt] attended a Guadalupe-Blanco River Authority Coordinated Monitoring meeting in Seguin. Discussion focused on coordinating surface water quality monitoring activities for FY2012 among various entities collecting data in order to avoid overlap and maximize resources in the Guadalupe River Basin and the Lavaca-Guadalupe Coastal Basin. More information is available at <http://www.gbpa.org/>.

On March 24, 2011, TSSWCB SRM staff [Brian Koch, Mitch Conine] attended a Coordinated Monitoring meeting hosted by the Angelina & Neches River Authority and the Lower Neches Valley Authority in Brookeland. Discussion focused on coordinating surface water quality monitoring activities for FY2012 among various entities collecting data in order to avoid overlap and maximize resources in the Neches River Basin and the Neches-Trinity Coastal Basin. More information is available at <http://www.anra.org/> and <http://www.lnva.dst.tx.us/>.

On March 24, 2011, TSSWCB SRM staff [Loren Warrick, Aaron Wendt] and Poultry Program staff [Dawna Winkler] attended a Guadalupe-Blanco River Authority (GBRA) CRP Guadalupe River Basin Steering Committee meeting in Seguin. GBRA gave an overview of CRP activities in the basin for the past year, including information from the Upper Guadalupe River Authority (UGRA) and

the Wimberley Valley Watershed Association. Information was provided on the status of water quality projects across the basin. UGRA reported on progress in implementing the Upper Guadalupe River bacteria TMDL, including projects that they applied for implementation funding. The River Systems Institute at Texas State University-San Marcos updated the group on the progress of developing the Cypress Creek WPP. GBRA provided updates on the implementation of the Plum Creek WPP and progress to develop the Geronimo Creek WPP. TCEQ discussed the new Watershed Action Planning process. More information is available at <http://www.gbpa.org/>.

### **Galveston Bay Estuary Program**

Galveston Bay is an estuary of national importance and, through the federal CWA §320, is included in the National Estuary Program administered by the EPA. The Galveston Bay Council is the stakeholder advisory group that coordinates the implementation of the *Galveston Bay Plan*, which is a Comprehensive Conservation and Management Plan (CCMP) developed under the auspices of the National Estuary Program. The TSSWCB is a named member of the Galveston Bay Council.

More information is available at <http://www.gbep.state.tx.us/>. The implementation of the *Galveston Bay Plan* affects agricultural and silvicultural operations in watersheds that drain to the Galveston Bay complex in Brazoria, Chambers, Galveston, Harris and Liberty Counties.

### **Permit for the Application of Pesticides to, over, or near Waters of the U.S.**

On April 6, 2011, TCEQ intends to consider issuance of a new General Permit which authorizes the point source discharge of biological or chemical pesticides (including insecticides, nematocides, rodenticides, fungicides and herbicides) that leave a residue in water when such applications are made into or over, including near, waters of the U.S.

EPA has traditionally regulated the application of pesticides, even those applied on or near water in the U.S., through the Federal Insecticide, Fungicide, and Rodenticide Act. On January 9, 2009, the U.S.

Court of Appeals for the Sixth Circuit held that the CWA unambiguously includes “biological pesticides” and “chemical pesticides” with residuals within its definition of “pollutant.” EPA subsequently requested a two-year stay which was granted by the court. CWA permits will be required for discharges to waters of the U.S. of biological pesticides, and of chemical pesticides that leave a residue, no later than April 9, 2011.

The revised TCEQ General Permit, Fact Sheet, and Response to Public Comments are available with the April 6, 2011 TCEQ Agenda Backup Materials.

More information is available at

[http://www.tceq.state.tx.us/permitting/water\\_quality/stakeholders/pesticidegp\\_stakeholder\\_group.html](http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/pesticidegp_stakeholder_group.html) and <http://www.epa.gov/npdpub/pesticides>.

### **Southeast and South Central Texas Regional Watershed Coordination Steering Committee**

On March 3, 2011, TSSWCB SRM staff [Brian Koch, Ashley Alexander, Jana Baker] attended the Southeast and South Central Texas Regional Watershed Coordination Steering Committee meeting in Columbus. The meeting focused on coastal issues. Texas Sea Grant discussed Coastal Prairie Wetland Restoration at Sheldon Lake State Park. The presentation focused on history of the restoration site, innovative techniques being used in the restoration work, and the relationship between prairie and wetland ecosystems. This restoration project is funded, in part, by a CWA §319(h) NPS grant from TSSWCB. The U.S. Geological Survey presented information on Nutrient Studies performed on coastal Texas streams. A Coastal Loads Evaluation was performed on the Trinity River below Lake Livingston and evaluated nutrient loading in Trinity and Galveston Bays from the Trinity River during high flow situations. Additionally, inflows to Lake Houston from Spring Creek and East Fork San Jacinto River compared flows and water quality data in the tributaries to sampling in the main body of the lake. Texas AgriLife Extension Service discussed OSSF Reconnaissance, Training, and Replacement in the Coastal Zone. This study is focused in Galveston, Brazoria and Chambers Counties and is funded by a

CWA §319(h) NPS grant from the TCEQ. Through the project, failing septic systems are being identified, training is being provided to County inspectors, and some failing systems are being replaced.

The Southeast and South Central Texas Regional Watershed Coordination Steering Committee (WCSC) is composed of about two dozen water quality monitoring and improvement partners, including other state and federal agencies, river authorities, national estuary programs, and councils of governments. The WCSC is tasked with providing guidance to TSSWCB SRM staff on watershed planning activities in 47 counties across southeast and south central Texas. More information, including meeting materials, is available at <http://www.tsswcb.state.tx.us/cwp>.

### **Upcoming Public Meetings**

- April 4, 2011 – Galveston Bay Council Budget and Priorities Subcommittee (Houston)
- April 4-5, 2011 – Texas Forest Service BMP/Wetland Coordination Committee (Seagoville)
- April 6, 2011 – Lower Nueces River WPP Agriculture Work Group (Robstown)
- April 6, 2011 – Caddo Lake Environmental Flows Work Group (Jefferson)
- April 7, 2011 – Lower Colorado River Authority Clean Rivers Program Lower Basin Steering Committee (Bay City)
- April 8, 2011 – U.S. Geological Survey Central Texas Cooperators Meeting (Austin)
- April 12, 2011 – Upper Oyster Creek TMDL I-Plan Stakeholder Meeting (Sugarland)
- April 14, 2011 – Lower Nueces River WPP Stakeholder Meeting (Corpus Christi)
- April 18, 2011 – Sabine River Authority Clean Rivers Program Lower Basin Steering Committee (Orange)

- April 19, 2011 – Sabine River Authority Clean Rivers Program Middle Basin Steering Committee (Longview)
- April 20, 2011 – Sabine River Authority Clean Rivers Program Upper Basin Steering Committee (Greenville)
- April 20, 2011 – Texas Groundwater Protection Committee (Austin)
- April 20, 2011 – TGPC Agricultural Chemicals Subcommittee (Austin)
- April 20, 2011 – TGPC Groundwater Research Subcommittee (Austin)
- April 20, 2011 – Galveston Bay Council (Pasadena)
- April 21, 2011 – Arroyo Colorado Watershed Partnership Steering Committee (Weslaco)
- April 21, 2011 – Arroyo Colorado Watershed Partnership Agricultural Issues Work Group (TBD)
- April 22, 2011 – Earth Day
- April 26, 2011 – TCEQ Water Quality Advisory Work Group (Austin)
- April 28, 2011 – San Bernard River WPP Stakeholder Meeting (West Columbia)
- April 29, 2011 – Trinity River Authority Clean Rivers Program Basin Steering Committee (Dallas)

## Water Quality Planning and Implementation

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of WPPs and TMDLs. A list of watersheds including links to on-going restoration projects within those watersheds is available at

<http://www.tsswcb.state.tx.us/watersheds>; more detailed information on all watersheds described below is available at this website.

### Attoyac Bayou

Impairment: Bacteria  
 Concern: Nutrients  
 Mechanism: WPP  
 Lead: TSSWCB

On March 10, 2011, TSSWCB SRM staff [Mitch Conine, Aaron Wendt], field staff [Trey Watson], and Regional Office staff [Mark Cochran, Jeremy Welch] attended an Attoyac Bayou stakeholder meeting in Nacogdoches. Proposed steering committee members were approved at the meeting. The ground rules for the steering committee were conditionally approved upon with a few minor edits. Stephen F. Austin State University presented on the current RUAA that is being done in the watershed. They are currently seeking landowner permission for access to the Attoyac Bayou and tributaries to conduct a site survey on recreational usage.

More information is available at <http://attoyac.tamu.edu/>. This WPP will affect livestock, farming and silvicultural operations in the Attoyac Bayou watershed in Nacogdoches, Rusk, San Augustine and Shelby Counties.

### Cedar Bayou

Impairment: Bacteria, Macroinvertebrate Community  
 Mechanism: WPP  
 Lead: TSSWCB

On March 17, 2011, TSSWCB SRM staff [Ashley Alexander, Brian Koch] attended a Cedar Bayou watershed tour in Houston. The tour was hosted by

Houston-Galveston Area Council and included project partner Galveston Bay Estuary Program. The driving tour provided a general understanding of the different characteristic land uses and potential sources of pollutant loading in the watershed. It also afforded an opportunity to determine locations for conducting water quality monitoring.

More information is available at <http://www.tsswcb.state.tx.us/managementprogram/cedarbwpp>. This WPP will affect agricultural operations in the Cedar Bayou watershed in Harris, Liberty, and Chambers Counties.

### **Dickinson Bayou**

Impairment: Bacteria, Dissolved Oxygen  
Mechanism: WPP, TMDL, I-Plan, UAA  
Lead: TCEQ

On March 8, 2011, SRM staff, [Brian Koch] attended an Animal Sources Workgroup meeting for the Dickinson Bayou I-Plan. This meeting was held to continue work on the implementation of the Dickinson Bayou TMDL for indicator bacteria. The group is currently working on development of the 9 elements tables, looking for strategies to reduce NPS contributions from livestock, exotic wildlife, and pets. The plan is to work with landowners, homeowners, and municipal officials to implement BMPs.

This WPP is proceeding in tandem with the ongoing TMDLs for bacteria and dissolved oxygen. More information on the TMDL and the RUAA is available at

<http://www.tceq.state.tx.us/implementation/water/tmdl/80-dickinsonbayoubacteria.html> and more information on the dissolved oxygen TMDL is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/17-dickinson.html>.

More information on the WPP is available at <http://www.dickinsonbayou.org/>. Both the WPP and the TMDLs have the potential to affect farming and ranching operations in the Dickinson Bayou watershed in Galveston and Brazoria Counties.

### **Lake Houston**

Impairment: Bacteria  
Mechanism: TMDL, I-Plan  
Lead: TCEQ

The Bacteria Implementation Group (BIG) is focused on implementing bacteria TMDLs in the greater Houston area, including Lake Houston, Buffalo and Whiteoak Bayous, Clear Creek and others. The BIG is responsible for receiving input, establishing workgroups, facilitating communications, developing recommendations, and providing oversight in the development of the I-Plan designed to achieve the load reductions called for in these TMDLs.

On March 15, 2011, TSSWCB SRM staff [Brian Koch] attended a BIG Steering Committee meeting in Houston. This meeting focused on the large number of comments received during the public comment period for the draft I-Plan held during the first part of 2011. Many of the comments were focused on WWTFs, nutrients, and further research; the Steering Committee took action on several comments that changed language in the draft I-Plan. H-GAC staff will take the next few months to incorporate the comments, and get the I-Plan ready to submit to TCEQ in July.

On April 6, 2011, TCEQ intends to consider adopting as final *Fifteen TMDLs for Indicator Bacteria in Watersheds Upstream of Lake Houston (Segments 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011)*. Two public meetings to receive oral comments on the proposed TMDLs were held December 8, 2010 in Cleveland and December 9, 2010 in Tomball. The public comment period closed December 20, 2010. A response to comments received was developed by TCEQ staff. These TMDLs allocate maximum pollutant loadings of bacteria between point sources and nonpoint sources in order to achieve the water quality criterion, and effectively necessitate a 41-81% overall annual load reduction (depending on the particular waterbody) to restore attainment of primary contact recreation use. For each of these TMDLs, TCEQ selected the highest flow condition as the critical period which necessitates an 81-96%

reduction (depending on the particular waterbody) during these wet-weather events in order to achieve the overall annual reduction. These TMDLs must be adopted by TCEQ and approved by EPA before they are effective.

More information on the greater Houston area Bacteria Implementation Group (BIG) is available at <http://www.h-gac.com/community/water/tmdl/BIG/default.aspx>.

More information on the Lake Houston TMDLs is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/82-lakehouston.html>. These TMDLs affect livestock operations in the Lake Houston watershed in Grimes, Harris, Liberty, Montgomery, San Jacinto, Walker and Waller Counties.

### **Lampasas River**

Impairment: Bacteria, Dissolved Oxygen  
Mechanism: WPP  
Lead: TSSWCB

On March 17, 2011, TSSWCB SRM staff [Pamela Casebolt] and field staff [Don Brandenberger] attended the Mills County SWCD #554 meeting in Goldwithe. Discussion centered on the Lampasas River WPP. An update was provided on progress towards developing a WPP for the watershed, which included identified pollutant sources, proposed BMPs, and securing technical and financial assistance to implement those BMPs.

On March 17, 2011, TSSWCB SRM staff [Pamela Casebolt] and field staff [Don Brandenberger] attended the Hill Country SWCD #534 meeting in Lampasas. Discussion centered on the Lampasas River WPP. An update was provided on progress towards developing a WPP for the watershed, which included identified pollutant sources, proposed BMPs, and securing technical and financial assistance to implement those BMPs.

More information is available at <http://www.lampasasriver.org/>. This WPP will affect livestock operations in the Lampasas River

watershed in Bell, Burnet, Hamilton, Lampasas and Mills Counties.

### **Leona River**

Impairment: Bacteria  
Concern: Nutrients  
Mechanism: Assessment  
Lead: TSSWCB

On March 17, 2011, TSSWCB SRM staff [Loren Warrick] and field staff [Kendria Ray] attended a Nueces-Frio-Sabinal SWCD #221 meeting in Uvalde. At the meeting the *Assessment of Water Quality and Watershed Planning for the Leona River* project was introduced. In attendance to explain the project objectives was the Texas Institute for Applied Environmental Research and the Nueces River Authority. These entities are responsible for facilitating stakeholder involvement in the project. Major project tasks include collecting water quality monitoring data, conducting bacterial source tracking (BST) and computer modeling, and performing an RUAA.

More information is available at <http://www.leonariver.org/>. This project affects livestock operations in the Frio, Uvalde, and Zavala Counties.

### **Oso Bay and Oso Creek**

Impairment: Bacteria  
Mechanism: TMDL, I-Plan  
Lead: TCEQ

In late 2010, USGS published a report, *Hydrologic Conditions and Water Quality of Rainfall and Storm Runoff for Two Agricultural Areas of the Oso Creek Watershed, Nueces County, Texas, 2005–08*, that describes the results of a multi-year study of agricultural NPS runoff from cropland in the Oso Creek watershed. The study was conducted by USGS and Texas AgriLife Research Center at Corpus Christi with funding from CWA §319(h) NPS grants from TSSWCB. The report is available at <http://pubs.usgs.gov/sir/2010/5136/>.

More information is available at <http://www.tceq.state.tx.us/implementation/water/t>



[mdl/67-osobaybacteria.html](http://mdl/67-osobaybacteria.html). This TMDL may affect livestock and farming operations in the Oso Bay/Creek watershed in Nueces County.

### **Pecos River**

Impairment: Dissolved Oxygen  
Concern: Salinity  
Mechanism: WPP  
Lead: TSSWCB

On March 15-16, 2011, TSSWCB SRM staff [Mitch Conine] and field staff [Kendria Ray, Ben Wilde] attended public meetings in Imperial, Iraan, Ozona, and Pecos. Project personnel presented components of the Pecos River WPP that are currently being implemented by landowners. Through implementation funding provided by the TSSWCB with a CWA §319(h) grant, the Crockett SWCD #235 and the Upper Pecos SWCD #213 have hired technicians to support chemical saltcedar treatments along the riparian corridor of the Pecos River and to encourage landowners to voluntarily implement recommended BMPs on their land. Technical assistance and financial incentives will be provided to landowners to develop and implement WQMPs to reduce nutrient and sediment loss and consequently affect dissolved oxygen levels. Biological control of saltcedar will be promoted in areas where chemical treatment is either impractical or where landowners opt out. New continuous water quality monitoring stations will be installed near Girvin and just north of the Texas-New Mexico state line.

On March 18, 2011, the Nueces River Authority and The Nature Conservancy hosted a Riparian Landowner Workshop at the Independence Creek Preserve. Independence Creek is a large, spring-fed tributary of the Pecos River. At this workshop, nearly 30 participants learned about the interaction of hydrology, vegetation, and erosion; how riparian function enhances wildlife habitat; and how to promote cooperative riparian management among landowners.

More information is available at <http://pecosbasin.tamu.edu/>. This WPP affects agricultural operations in the Pecos River watershed

in Andrews, Brewster, Crane, Crockett, Culberson, Ector, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Val Verde, Ward and Winkler Counties.

### **Plum Creek**

Impairment: Bacteria  
Concerns: Nutrients  
Mechanism: WPP  
Lead: TSSWCB

On March 1, 2011, TSSWCB SRM staff [Pamela Casebolt, Brian Koch] attended a Plum Creek sustainability meeting in Lockhart. Discussion focused on efforts to locally sustain the Plum Creek Watershed Partnership and a watershed coordinator. A draft interlocal agreement among the local cities, counties, and SWCDs was reviewed and comments were provided. An update on the proposal submitted to TSSWCB for a CWA §319(h) NPS grant was given. Participants also discussed securing each entities' non-federal contribution to support the watershed coordinator.

More information is available at <http://plumcreek.tamu.edu/>. This WPP affects livestock and farming operations in the Plum Creek watershed in Caldwell and Hays Counties.

### **South Llano River**

Impairment: None  
Mechanism: Assessment and Planning  
Lead: Third party

On March 12, 2011, TSSWCB SRM staff [Aaron Wendt] attended a 700 Springs tour near Telegraph. Hosted by the Kimble County Historical Commission and the South Llano Watershed Alliance, this tour provided the public an opportunity to visit the privately-held 700 Springs. These springs provide significant flow to the South Llano River. The group was provided an entertaining historical account of the region, as well as, a brief presentation on the hydrology of the Edwards Plateau.

More information is available at <http://southllano.org>. This project has the potential

to affect farming and livestock operations in the South Llano River watershed in Edwards, Kerr, Kimble, Real and Sutton Counties.

### **Upper Guadalupe River**

Impairment: Bacteria  
Mechanism: TMDL, I-Plan  
Lead: TCEQ

On April 6, 2011, TCEQ intends to consider publishing and soliciting public comment on a draft *Implementation Plan for One TMDL for Bacteria in Guadalupe River Above Canyon Lake (Segment 1806)*. Based on the environmental target of the TMDL (adopted by TCEQ in July 2007 and approved by EPA in September 2007), this I-Plan prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of bacteria in order to restore the primary contact recreation use of this portion of the Guadalupe River. The I-Plan specifies limits for point source dischargers and recommends BMPs for nonpoint sources. It also lays out a schedule for implementation. A 30-day public comment period will be opened and a public meeting to receive oral comments will be held.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/65-guadalupeabovecanyon.html>. This TMDL affects livestock operations in the Upper Guadalupe River watershed in Kerr County.

### **Upper Oyster Creek**

Impairment: Bacteria, Dissolved Oxygen  
Mechanism: TMDL, I-Plan, UAA  
Lead: TCEQ

On March 8, 2011, TSSWCB SRM staff, [Brian Koch] attended a stakeholder meeting for the Upper Oyster Creek I-Plan in Sugar Land. This I-Plan will be designed to implement the TMDLs for indicator bacteria (adopted by TCEQ in 2007) and dissolved oxygen (adopted by TCEQ in 2010). At this meeting, a stakeholder coordinating committee was formed, workgroups and subcommittees were established, and ground rules were set. TCEQ presented information on their NPS Grant Program. The group discussed a variety of bacteria sources,

including urban NPS runoff, wastewater treatment facilities, and agricultural NPS.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/25-oystercreek.html>. These TMDLs will have limited affect on farming and livestock operations in the Upper Oyster Creek watershed in Fort Bend County.

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## **Water Supply Enhancement Program**

Administered by the TSSWCB, the goal of the program is to enhance the state's quantity of water resources in selected aquifers, streams, and reservoirs through the selective control of brush species. The 81<sup>st</sup> Legislature continued funding for the Water Supply Enhancement Program by providing \$4,503,641.00 in General Revenue Funds in FY2011.

These funds were directed to be used for continuation of projects designated by the TSSWCB. Since the beginning of the program in 1999, there has been over 741,000 acres of brush treated in priority watersheds throughout the state.

The following SWCDs were provided Water Supply Enhancement Program Updates, Water Supply Enhancement Program Certifications, and /or Contracts:

### **Area 2 Districts**

Middle Concho SWCD  
Eldorado-Divide SWCD  
Tom Green County SWCD  
Pedernales SWCD  
Gillespie County SWCD  
Kerr County SWCD  
Kendall SWCD

### **Area 3 Districts**

McMullen County SWCD  
LaSalle County SWCD  
Caldwell/ Travis SWCD  
Comal/Guadalupe SWCD  
Webb County SWCD  
Frio SWCD

## Area 5 Districts

Archer County SWCD

Lower Clear Fork/Brazos SWCD

Pecan Bayou SWCD

Bosque SWCD

Little Wichita SWCD

Currently the Water Supply Enhancement Program is administrating 14 projects throughout the State. Listed below are the projects in their respective areas and the project's contact person.

- Twin Buttes – Tuffy Wood
- O.C. Fisher reservoir Project – Tuffy Wood
- Pedernales Project – Melissa Grote
- Guadalupe River Project – Melissa Grote
- Edwards Aquifer Project (Bandera County) – Melissa Grote
- Fort Phantom Hill – Cody York
- Nueces River Project – Adrian Perez
- Frio River Watershed – Adrian Perez
- Lower Guadalupe River – Tuffy Wood
- Carrizo-Wilcox Aquifer – Tuffy Wood
- Palo Pinto- Cody York
- Bosque Project – Cody York
- Little Wichita River (Archer and Clay Counties) – Cody York
- Lake Brownwood Project – Cody York

## Evaluating watersheds are based on the following criteria as per Chapter 203.053:

In ranking areas under the plan, the board shall consider:

- (1) the location of various brush infestations;
- (2) the type and severity of brush infestations;
- (3) the various management methods that may be used to control brush;
- (4) the amount of water produced by a project and the severity of water shortage in the project area; and any other criteria that the board considers relevant to assure that the brush control program can be most effectively, efficiently, and economically implemented.

## Staff Activities

- Evaluate all current projects
- Assisted landowners in Twin Buttes, Pedernales, Pecan Bayou, Lake Arrowhead, Lake Kickapoo, Bosque River, Kendall and Blanco with Brush Certifications
- Assisted landowners in Twin Buttes, Pedernales, Pecan Bayou, Lake Arrowhead, Lake Kickapoo and Bosque River with Brush Contracts
- Assist the Frio and Nueces Projects with contracts and certifications
- Assist TSSWCB with Senate Finance Hearing, House Ag and Livestock Hearing, and House Appropriation Hearing
- Begin coordinating meetings with SWCDs to begin application on Projects

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## FLOOD CONTROL DAM PROGRAMS

Nearly 2,000 floodwater retarding structures, or dams, have been built over the last 60 years within the State of Texas. The primary purpose of the structures is to protect lives and property by reducing the velocity of floodwaters, and thereby releasing flows at a safer rate. These are earthen dams that exist on private property, and were designed and constructed by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS). They were built with the understanding that the private property owner would provide the land, the federal government would provide the technical design expertise and the funding to construct them, and then units of local government would be responsible for maintaining them into the future.

Local sponsors of the dams were required before a federal project was begun. Local sponsors signed a watershed agreement which outlined the duties and responsibilities of the federal and local sponsors. In general, local sponsors are required to obtain and enforce easements, conduct operation and maintenance (O&M) inspections, maintain the structures, and implement land treatment measures in the watershed. SWCDs are one of the local

sponsors in all watershed projects. Other local sponsors include counties, cities, and Water Control and Improvement Districts (WCIDs).

Due to the passage of time and difficulty in raising adequate funds locally, many sponsors approached the Texas Legislature with their concerns over amount of needed O&M and repairs. In recognition that these dams will continue to serve as a critical protection for our state's infrastructure, private property, and lives, the Legislature appropriated \$15 million dollars to the TSSWCB for grants to local SWCDs during the 2010-2011 biennium for O&M and structural repairs.

### O&M Grant Program Update

Below is a summary of the Flood Control O&M Program for FY 2010 and FY 2011 as of 03/25/2011.

FY 10 Contracted \$555,129.14		FY 11 Allocation \$2,472,008.85	
Original O&M	Original Admin	Original O&M	Original Admin
\$528,652.54	\$26,476.60	\$2,354,294.10	\$117,714.75
Spent O&M	Spent Admin	Spent O&M	Spent Admin
\$412,216.06	\$19,135.52	\$1,053,534.07	\$52,412.73
Remaining O&M	Remaining Admin	Remaining O&M	Remaining Admin
\$117,841.42	\$5,892.03	\$1,301,101.81	\$64,960.24
Total FY 10 Contract Remaining		Total FY11 Remaining	
\$123,733.45		\$1,366,062.05	

### Structural Repair Grant Program Update

TSSWCB staff is finalizing decisions on applications submitted for FY2011 grant funding and will be contacting potential grantees in the near future.

For more information on these programs, please visit the TSSWCB's website at:

<http://www.tsswcb.state.tx.us/en/floodcontrol>

*Monthly Program News and Activities* is produced by the TSSWCB for use by Texas soil and water conservation district directors. If you have any questions regarding its contents, or have Information you would like to see in a future issue please call (254) 773-2250.



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The Texas State Soil and Water Conservation Board (TSSWCB) administers Texas' soil and water conservation law and coordinates conservation and nonpoint source pollution abatement programs throughout the State. Headquartered in Temple, the TSSWCB delivers coordinated natural resource conservation programs to agricultural producers through the state's 216 individual soil and water conservation districts (SWCD). The agency is governed by a seven-member State Board composed of two Governor appointments and five individuals elected from across Texas by 1,080 directors of local SWCDs. The TSSWCB is the lead state agency for the planning, management, and abatement of agricultural and silvicultural (forestry) nonpoint source water pollution, administers a water supply enhancement program through the targeted control of brush species in areas in need of water conservation, and provides operation, maintenance, and structural repair grant funds to local government sponsors of the state's network of 2,000 flood control dams